

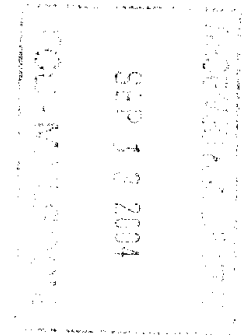


Federal Communications Commission
Washington, D.C. 20554

September 9, 2004

Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

DOCKET FILE COPY ORIGINAL



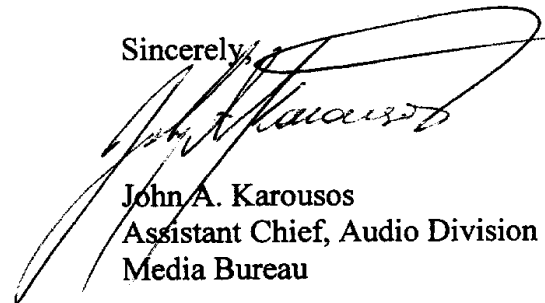
Dear Mr. Crawford:

This is in response to your petition for rule making proposing the allotment of Channel 286A at Hugo, Oklahoma, as the community's second FM commercial aural transmission service.

Your proposal is unacceptable for consideration at this time. Our engineering analysis indicates that the specified coordinates (33-57-11 NL and 95-36-20 WL) for Channel 286A at Hugo are short-spaced to a counterproposal requesting Channel 285C0 at Pilot Point, Texas filed in MM Docket No. 01-269. *See Antlers, Oklahoma*, 16 FCC Rcd 17210 (MMB 2001). There is no final disposition in this rulemaking proceeding since a *Report and Order* has not been issued. It is our policy to return rulemaking proposals that are contingent upon other rulemaking proceedings, unless the decision for a particular proceeding is effective but not final. *See Auburn et al.*, 18 FCC Rcd 10333(MB 2003).

Based on the above, we are returning your proposal for Hugo. You may resubmit the petition, provided your proposal meets all of the minimum spacing requirements of Section 73.207 (b)(1) of the Commission's Rules.

Sincerely,



John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

HS68

RECEIVED & INSPECTED
OCT 27 2003
FCC - MAILROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Hugo, Oklahoma))

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 286A at Hugo, Oklahoma.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 286A to Hugo, Oklahoma as that community's first competing FM service.¹ Hugo, Oklahoma is an incorporated city with a population of 5,536 people.² Hugo has its own mayor, its own post office, fire department, police department, city offices, school system and a number of local churches.

¹ Station KITX, 95.5 FM and Station KIHN 1340 AM are licensed to Hugo, Oklahoma.

² U.S. Census 2000

Hugo is a community that is certainly deserving of a second local FM service. The proposed channel 286A will provide additional diversity and an outlet for local self-expression to Hugo residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 286A can be allocated to Hugo, Oklahoma, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

(See, Attachment A) Note: Channel 286A at Wright City, Oklahoma was dismissed by Report & Order, DA-03-3337, Released October 24, 2003. (See, Attachment B) Also note: Channel 285C0 at Pilot Point, Texas was dismissed by Report & Order, DA 03-2705, released September 5, 2003. (See, Attachment C)

Reference coordinates for Hugo, Oklahoma are:


33 57 11 N
95 36 20 W

Should this petition be granted and Channel 286A be allotted to Hugo Oklahoma, Petitioner will apply for Channel 286A at Hugo and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my

knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Charles Crawford', written over a horizontal line.

Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

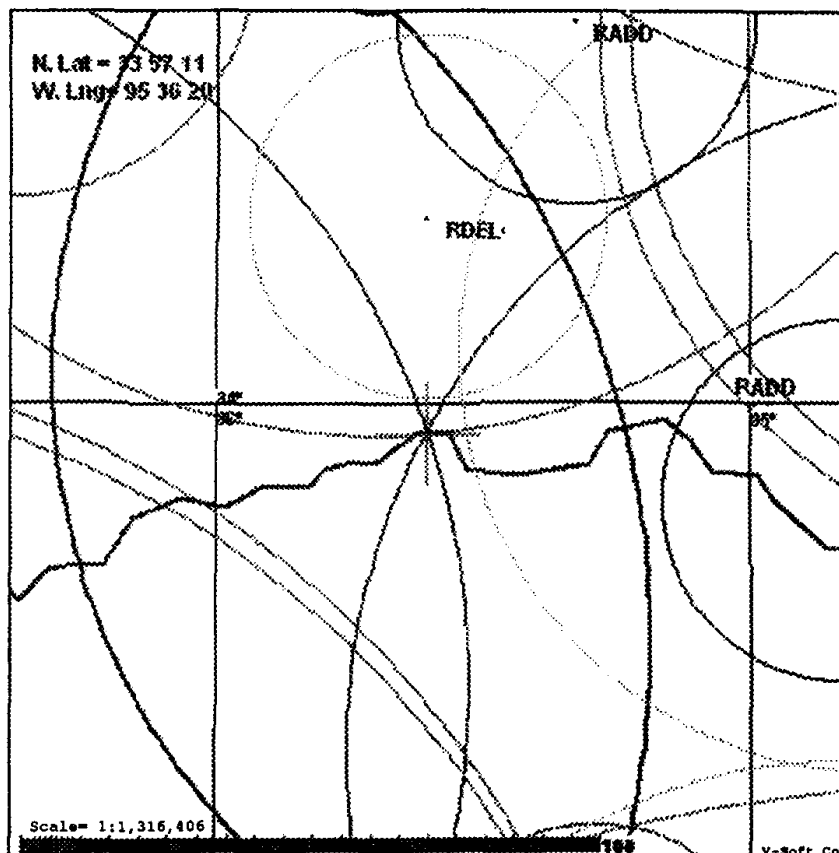
cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

October 27, 2003

Hugoo

Attachment A

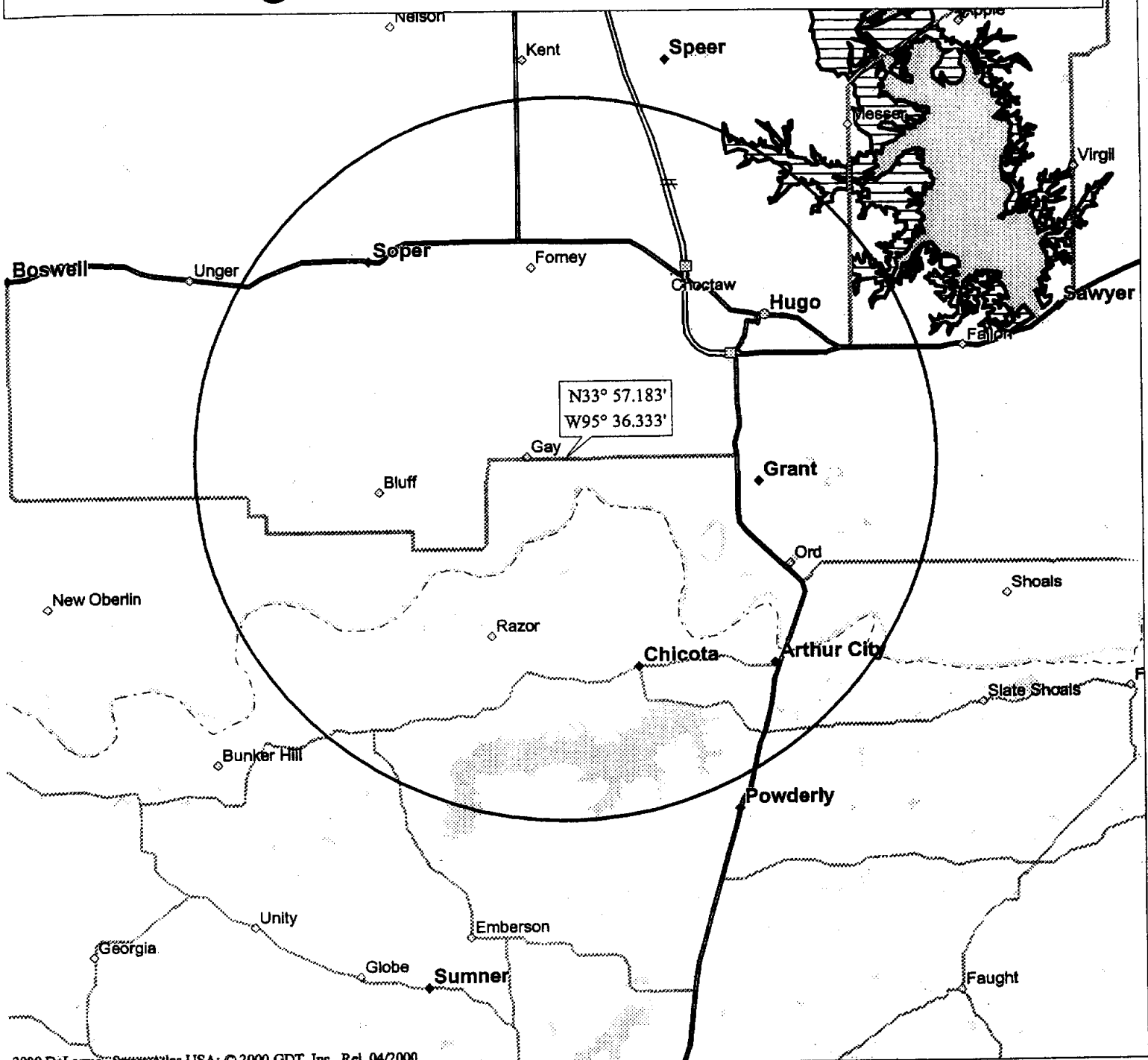
FM PROSP^(TM) LOCATE STUDY CH 286 A 105.1 MHz



Dates:
Data:10-21-03
Job :10-24-03

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	286A	ADD	Wright City	OK	51.33	78.1	115.0	-63.67
RADD	285C0	ADD	Pilot Point	TX	118.64	252.5	152.0	-33.36
RADD	285C0	ADD	Pilot Point	TX	118.64	252.5	152.0	-33.36
ALLO.V	286A	VAC	New Boston	TX	114.73	118.2	115.0	-0.27
RDEL	285C1	DEL	Pilot Point	TX	132.79	251.1	133.0	-0.21
KTCY	285C1	LIC N	Pilot Point	TX	132.79	251.1	133.0	-0.21
RDEL	285C1	DEL	Pilot View	OK	132.79	251.1	133.0	-0.21
KTMCFM	286A	LIC N	Mcalester	OK	115.03	355.6	115.0	0.03
RADD	284A	ADD	Antlers	OK	37.13	0.2	31.0	6.13
RDEL	284A	DEL	Antlers	OK	37.13	0.2	31.0	6.13
RADD	285A	ADD	Broken Bow	OK	78.90	79.6	72.0	6.90
RDEL	285A	DEL	Broken Bow	OK	78.90	79.6	72.0	6.90
KLLI	287C	LIC	Dallas	TX	197.54	220.0	165.0	32.54
KLLI.C	287C	CP N	Dallas	TX	200.87	219.1	165.0	35.87
RADD	283A	ADD	Garvin	OK	72.59	98.9	31.0	41.59
RADD	289A	ADD	Clayton	OK	75.13	20.1	31.0	44.13
RADD	289A	ADD	Clayton	OK	75.13	20.1	31.0	44.13
KQOR.C	287C3	CP N	Mena	AR	136.55	60.8	89.0	47.55
KQOR	287C3	LIC N	Mena	AR	142.65	60.7	89.0	53.65
KKFC	288C3	LIC	Coalgate	OK	109.38	319.2	42.0	67.38
KWNS	284A	LIC N	Winnsboro	TX	102.10	163.3	31.0	71.10
RADD	232A	ADD	Pittsburg	OK	81.98	353.6	10.0	71.98
KYKX	289C*	LIC N	Longview	TX	167.62	154.0	95.0	72.62
RDEL	289C	DEL	Longview	TX	167.62	154.0	95.0	72.62
RDEL	286C	DEL	Lufkin	TX	300.38	162.4	226.0	74.38
RDEL	286C	DEL	Lufkin	TX	300.38	162.4	226.0	74.38
KYKS	286C*	LIC	Lufkin	TX	300.38	162.4	226.0	74.38
ALLO.V	286A	VAC	Muldrow	OK	194.36	27.9	115.0	79.36

Hugo, OK CH 286A 70 dBu



2000 DeLorme Street Atlas USA; © 2000 GDT, Inc., Rel. 04/2000

Mag 11.00
 Fri Oct 24 11:15 2003
 Scale 1:250,000 (at center)

5 Miles

5 KM

- | | |
|---------------------------|----------------|
| Local Road | County Seat |
| Rest Area | Small Town |
| US Highway | Locale |
| Interstate/Limited Access | State Boundary |
| Toll Highway | Land |
| Major Connector | Water |
| State Route | Inundated Area |
| Exit | |

Attachment B

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 01-255
Table of Allotments,) RM-10265
FM Broadcast Stations.)
(Wright City, Oklahoma))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 22, 2003

Released: October 24, 2003

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Maurice Salsa ("Salsa"), the Audio Division considers herein a *Notice of Proposed Rule Making*¹ proposing the allotment of Channel 226A to Wright City, Oklahoma, as that community's first local aural transmission service. Salsa has filed comments expressing his continued interest in applying for Channel 226A if it is allotted to Wright City, and stating that if his application is granted, he will construct a station in that community. Entravision Holdings, LLC ("Entravision")² has filed Comments and Counterproposal to which Salsa has filed reply comments. Radio One Licenses, Inc. ("ROL") filed Comments and Counterproposal. For the reasons stated herein, we shall allot Channel 226A to Wright City, Oklahoma.

2. Entravision's Counterproposal requests: first, that Entravision's Station KTCY(FM) ("KTCY"), at Pilot Point, Texas, be upgraded from Channel 285C1 to Channel 285C0 and second, that Channel 265A be allotted to Broken Bow, Oklahoma in lieu of Salsa's requested Channel 285A. Third, since Charles Crawford's request for Channel 284A at Antlers, Oklahoma, in MM Docket No. 01-269 would conflict with Entravision's Counterproposal to upgrade its Channel 285C1 to Channel 285C0, Entravision requests that Channel 227A be added to Antlers, Oklahoma, in lieu of Channel 284A. Fourth, because Maurice Salsa's request that Channel 226A be allotted at Wright City, Oklahoma, conflicts with Entravision's request to allot Channel 227A at Antlers, Oklahoma, Entravision has identified an alternate transmitter site at Wright City that would allow the allotment of Channel 226A at Wright City and also allow the allotment of Channel 227A at Antlers, Oklahoma. ROL's Counterproposal supports Entravision's Counterproposal, except that ROL requests the allotment of Channel 286A to Wright City in lieu of Entravision's request to allot Channel 226A to Wright City at an alternate transmitter site to Salsa's site for that channel.

¹ *Wright City, Oklahoma*, 16 FCC Rcd 17072 (M.M. Bur. 2001).

² Entravision is the current licensee of Station KTCY, Channel 285C1, Pilot Point, Texas. Even though the prior licensee, KTCY Licensing, Inc., filed the "Comments and Counterproposal" in this proceeding, we will, for the sake of clarity, refer to Entravision as the licensee of Station KTCY throughout this document.

3. The Entravision Counterproposal for the Station KTCY upgrade to Channel 285C0 at Pilot Point, Texas is short-spaced to the existing Channel 285A allotment at Meridian, Texas. In this regard, a timely counterproposal in MM Docket No. 01-47 proposed the reallocation of Channel 285A from Meridian to Hico, which would remove this conflict. Thus, the Entravision proposal is contingent upon the outcome of a separate proceeding in MM Docket No. 01-47 and cannot be considered in the context of this proceeding. In order to have the Entravision proposal considered at this time, the proposal would have to have been filed by April 9, 2001, the comment deadline in MM Docket No. 01-47. Entravision did not file its Counterproposal in this proceeding until November 19, 2001. The same counterproposal was filed in *Broken Bow, Oklahoma* ("Broken Bow")³ on October 22, 2001, and was rejected on the same grounds. In addition, *Broken Bow* granted Petitioner's request to allot Channel 285A to Broken Bow, Oklahoma. Entravision's request to upgrade Station KTCY to a Class C0 station in this proceeding is short-spaced to that Broken Bow allotment. Entravision proposed to allot Channel 227A to Antlers in lieu of Channel 284 because Entravision desired to upgrade Channel 285C1 to Channel 285C0 at Station KTCY, Pilot Point, Texas. Since we have rejected Entravision's proposed upgrade, there is no reason to add Channel 227A to Antlers and no reason to change the transmitter site proposed by Salsa at Wright City to accommodate the proposed Channel 227A allotment at Antlers. Therefore, we dismiss that Counterproposal. We also dismiss ROL's Counterproposal which asks that Channel 286A be allotted to Wright City in lieu of Salsa's request for Channel 226A. An allotment of Channel 286A to Wright City would be short-spaced to our previous allotment of Channel 285A to Broken Bow, Oklahoma.⁴ Since the Broken Bow allotment is protected from any such short-spaced allotment, we dismiss ROL's Counterproposal as unacceptable for consideration.

4. We conclude that the public interest would be served by the allotment of Channel 226A at Wright City, Oklahoma, since it will provide a first local aural transmission service to that community. Channel 226A can be allotted to Wright City, Oklahoma, consistent with the requirements of Sections 73.207(b)(1) and 73.315(a) of the Commission's Rules at coordinates of 34-05-58 NL and 94-58-34 WL, with a site restriction of 5.0 kilometers northeast of Wright City, Oklahoma.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 8, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Wright City, Oklahoma	226A

³ 18 FCC Rcd 17622 (MB 2003).

⁴ ROL's Counterproposal in this proceeding was filed November 19, 2001, whereas the comment due date for the Broken Bow proceeding (MM Docket No. 01-209) was October 22, 2001. Thus, ROL's Counterproposal was not timely filed to be considered with the proposal for Channel 285A that was granted in *Broken Bow*. See Section 1.420(d) of the Commission's Rules. In this light, ROL's Counterproposal must be dismissed.

6. A filing window for Channel 226A, Wright City, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the Petition for Rule Making (RM-10265) filed by Maurice Salsa in MM Docket No. 01-255 IS GRANTED.

8. IT IS FURTHER ORDERED, That the aforementioned Counterproposal filed by Entravision Holdings, LLC IS DISMISSED.

9. IT IS FURTHER ORDERED, That the aforementioned Counterproposal filed by Radio One Licenses, Inc. IS DISMISSED.

10. IT IS FURTHER ORDERED, that MM Docket No. 01-255 IS TERMINATED.

11. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Attachment C

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 01-209
Table of Allotments,) RM-10224
FM Broadcast Stations.)
(Broken Bow, Oklahoma))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 3, 2003

Released: September 5, 2003

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Maurice Salsa ("Salsa"), the Audio Division considers herein a *Notice of Proposed Rule Making*¹ proposing the allotment of Channel 285A to Broken Bow, Oklahoma, as that community's second local aural transmission service. Salsa has filed comments expressing his continued interest in applying for Channel 285A if it is allotted to Broken Bow, and stating that if his application is granted, he will construct a station in that community. Entravision Holdings, LLC ("Entravision")² has filed a pleading entitled "Comments and Counterproposal" to which Petitioner has filed reply comments.³ For the reasons stated herein, we shall allot Channel 285A to Broken Bow, Oklahoma.

¹ *Broken Bow, Oklahoma*, 16 FCC Rcd 16002 (M.M. Bur. 2001). This *Notice of Proposed Rule Making* involved proposals for eight communities in MM Docket Numbers 01-209 through 01-216.

² Entravision is the current licensee of Station KTCY(FM). The prior licensee, KTCY Licensing, Inc., filed the "Comments and Counterproposal" herein. Entravision consummated an assignment of Station KTCY's license on August 23, 2002. For the sake of clarity, Entravision is considered to have been the licensee throughout this proceeding.

³ Radio One Licenses, Inc. ("ROL") also filed reply comments in this docket and MM Docket No. 01-216 in the belief that both dockets were related to a proposal by Jeraldine Anderson to allot Channel 232A to Broken Bow, Oklahoma, in MB Docket No. 02-301, which was subsequently dismissed at Ms. Anderson's request. In fact, MM Docket No. 01-209 was not in conflict with MB Docket No. 02-301. In any event, ROL supports Entravision's counterproposal in its reply comments in this proceeding and in its "Comments and Counterproposal" filed in the Wright City, Oklahoma allotment proceeding (MM Docket No. 01-255). ROL however, requests the allotment of Channel 286A to Wright City in lieu of Entravision's request to allot Channel 226A to that city at an alternate transmitter site to Salsa's site for Channel 226A at Wright City. ROL's attempts to amend Entravision's counterproposal here and also in the Wright City proceeding are defective, because ROL did not express any interest in applying for Channel 286A in Wright City, if that channel were allotted to that city. Further, ROL's counterproposal in MM Docket No. 01-255 and its reply comments in this proceeding were filed after the comment due date in this proceeding and need not be considered. See Section 1.420(d) of the Commission's Rules.

2. Entravision's timely-filed counterproposal requests: first, that its Channel 285C1 at Station KTCY(FM), Pilot Point, Texas, be upgraded to Channel 285C0 and second, that Channel 265A be allotted to Broken Bow, Oklahoma in lieu of Salsa's requested Channel 285A. Third, since Charles Crawford's request for Channel 284A at Antlers, Oklahoma, in MM Docket No. 01-269 would conflict with Entravision's counterproposal to upgrade its Channel 285C1 to Channel 285C0, Entravision requests that Channel 227A be added to Antlers, Oklahoma, in lieu of Channel 284A. Fourth, because Maurice Salsa's request that Channel 226A be allotted at Wright City, Oklahoma, in MM Docket No. 01-255 conflicts with Entravision's request to allot Channel 227A at Antlers, Oklahoma, Entravision has identified an alternate transmitter site at Wright City that would allow use of Channel 226A at Wright City and also allow the allotment of Channel 227A at Antlers, Oklahoma.

3. The Entravision proposal for the Station KTCY upgrade to Channel 285C0 at Pilot Point, Texas is short-spaced to the existing Channel 285A allotment at Meridian, Texas. In this regard, a timely counterproposal in MM Docket No. 01-47 proposed the reallocation of Channel 285A from Meridian to Hico, which would remove this conflict. Thus, the Entravision proposal is contingent upon the outcome of a separate proceeding in MM Docket No. 01-47 and cannot be considered in the context of this proceeding. In order to have the Entravision proposal considered at this time, the proposal would have to have been filed by the April 9, 2001 comment due date in MM Docket No. 01-47. Entravision did not file its proposal until October 22, 2001.

4. We conclude that the public interest would be served by the allotment of Channel 285A at Broken Bow, Oklahoma, since it will provide a second local aural transmission service to that community. Channel 285A can be allotted to Broken Bow, Oklahoma, consistent with the requirements of Sections 73.207(b)(1) and 73.315(a) of the Commission's Rules at coordinates of 34-04-41 NL and 94-45-53 WL, with a site restriction of 5.9 kilometers (3.7 miles) northwest of Broken Bow, Oklahoma.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 20, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Broken Bow, Oklahoma	285A, 291C2

6. A filing window for Channel 285A, Broken Bow, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED That the Petition for Rule Making (RM-10224) filed by Maurice Salsa in MM Docket No. 01-209 IS GRANTED.

8. IT IS FURTHER ORDERED That the counterproposal filed by Entravision Holdings, LLC IS DISMISSED as unacceptable for filing.

9. IT IS FURTHER ORDERED, that MM Docket No. 01-209 IS TERMINATED.

10. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau